

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
RHAWN JOSEPH,
:

Plaintiff,
:

-against-
:

SPRINGER NATURE, et al.,
:

Defendants.
:
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ORDER

20 Civ. 4672 (AJN) (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge:

Plaintiff, having amended his complaint twice in this case, has now filed a “motion to join” seeking to add additional parties to the action. Docket # 31. While styled as a “motion to join,” in substance plaintiff seeks leave to amend his complaint once again. See Bowers v. SMC Corp., 2008 WL 1700447, at *3 (W.D.N.Y. Apr. 9, 2008) (“[A] motion to join parties also implicitly seeks to amend the Complaint to add new parties, such that the requirements of Fed. R. Civ. P. 15(a) . . . must also be met.”). The Court thus construes the “motion to join” as an application for a pre-motion conference seeking to amend the complaint under Rule 15 of the Federal Rules of Civil Procedure. The pre-motion conference requirement is waived and thus the Court grants plaintiff permission to file a motion to amend.

The Court notes that plaintiff must attach to any motion to amend a complete draft of his proposed fourth amended complaint. Also, he is warned that if his motion is granted, his proposed fourth amended complaint will completely replace, not supplement, the third amended complaint. Thus, plaintiff must include all allegations and claims in any proposed fourth amended complaint.

Nothing in this order shall be construed as opining on the merits of any motion to file a fourth amended complaint.

Finally, the plaintiff’s previous motion to join, Docket # 14, is denied as moot given that the proposed defendants were included in the later-filed third amended complaint (Docket # 19).

SO ORDERED

Dated: New York, New York
September 11, 2020



GABRIEL W. CORENSTEIN
United States Magistrate Judge